

Message Text

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FM SECSTATE WASHDC

TO AMCONSUL MUNICH

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FOLLOWING REPEAT ROME 5770 ACTION STATE, SECDEF, CGSETAF VICENZA,
40TH TAC GRP LIVORNO, MED DIV ENG LIVORNO 26 APRIL 1974. QUOTE:

LIMITED OFFICIAL USE ROME 5770

E.O. 11652: N/A

TAGS: MARR, IT

SUBJECT: DUNN-VANONI

REF: A. ROME 3631; B. ROME 3733; C. STATE 054756

1. BEGIN SUMMARY. UNEXPECTED OBDURACY ON PART OF CORTE DEI
CONTE HAS SCUTTLED OUR EXPECTATION THAT GOI WOULD MAKE EARLY
REIMBURSEMENTS, BY ADMINISTRATIVE MEASURES, OF OUTSTANDING
CONTRACTOR CLAIMS UNDER THE DUNN-VANONI AGREEMENT. REIMBURSE-
MENTS MAY YET BE FORTHCOMING, BUT ONLY AFTER RENEWED ROUND
OF INTER-MINISTERIAL CONSULTATIONS DESIGNED TO PRODUCE DECISION
TO DIRECT CORTE DEI CONTE TO REGISTER ("APPROVE") PAYMENTS WITH
"RESERVATIONS". GIVEN LENGTH OF TIME THIS WILL LIKELY ENTAIL,
EMBASSY CANNOT IN ALL CONSCIENCE OPPOSE IMMEDIATE U.S.
REIMBURSEMENT OF CESICA PURSUANT TO DECISION OF BOARD OF
CONTRACT APPEALS. END SUMMARY.

2. SINCE RECEIPT OF ITALIAN NOTE VERBALE (REFS A AND B), WE
HAVE REPEATEDLY STRESSED TO BOTH MFA AND MOD NEED TO SECURE
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IMMEDIATE REIMBURSEMENT OF CESICA CLAIM IN LIGHT OF AUGUST

1973 ARMED SERVICES BOARD OF CONTRACT APPEALS DECISION IN CESICA APPEAL. MATTERS CAME TO A HEAD AT INTER-MINISTERIAL MEETING ON APRIL 19. MEETING, WHICH LASTED OVER FOUR HOURS, SAW GENERAL CUCINO (SECRETARY GENERAL OF MOD), MINISTER DA RIN (MFA NATO OFFICE CHIEF), AND PRIME MINISTER'S OFFICE REPRESENTATIVE ALL ARGUE STRENUOUSLY FOR IMMEDIATE PAYMENT TO CESICA. CORTE DEI CONTE REPRESENTATIVE WAS, HOWEVER, UNYIELDING. HE MAINTAINED THAT SUCH PAYMENT WOULD BE ILLEGAL IN ABSENCE OF PARLIAMENTARY APPROVAL.

3. IN APRIL 22 CONVERSATION, DA RIN TOLD EMBOFF THAT AFTER MEETING HE HAD PREPARED AN URGENT MEMORANDUM FOR FOREIGN MINISTER MORO OUTLINING THE POSITION OF THE COURT AND URGING A QUICK "POLITICAL" DECISION BY CONCERNED MINISTERS TO, IN EFFECT, OVERRULE THE COURT BY DIRECTING IT TO REGISTER THE PAYMENT ALBEIT WITH RESERVATIONS. THE RISK WITH THIS COURSE OF ACTION, ACCORDING TO DA RIN, IS THAT PARLIAMENT WOULD LEARN OF IT AND ANOTHER FINANCIAL "SCANDAL" WOULD RESULT. HE COULD NOT THEREFORE ASSURE US WITH CERTITUDE THAT THE POLITICAL DECISION WOULD BE TAKEN, MUCH LESS THAT IT WOULD HAPPEN SOON.

4. COMMENT: AND SO, ONCE AGAIN WE FIND OURSELVES POSSIBLY BACK AT SQUARE ONE REGARDING DUNN-VANONI. IN VIEW OF THIS, AND THE PRESSURES BEING EXERTED BY THE CESICA FIRM ON THE MED ENGINEERS FOR IMMEDIATE PAYMENT OF ITS CLAIM, WE PERCEIVE NO REAL ALTERNATIVE TO PROCEEDING WITH THE PAYMENT. WE WOULD RECOMMEND THAT IN DOING SO CESICA BE OBLIGED TO STATE IN WRITING THAT IF IT IS EVENTUALLY REIMBURSED BY THE GOI, IT WOULD REIMBURSE THE U.S. FOR OUR PAYMENT. (WE UNDERSTAND THE FIRM HAS OFFERED TO DO THIS.) AS FOR THE MATTER OF OTHER PAYMENTS, WE BELIEVE WE SHOULD LET THE GOI PLAY OUT THE STRING ON THE PROPOSAL TO OVERRULE THE CORTE DEI CONTE BEFORE PAYING FIRMS OTHER THAN CESICA. IT WILL BE EASIER (IF THAT IS THE RIGHT WORD) FOR THEM TO BITE THE BULLET ON ONE CASE THAN IF CONFRONTED WITH NUMEROUS SIMULTANEOUS CLAIMS. AS TO WHAT WE SHOULD DO, THE AMBASSADOR PROPOSES TO WRITE FOREIGN MINISTER MORO (WITH A COPY TO DEFENSE MINISTER ANDREOTTI) EXPRESSING OUR KEEN DISAPPOINTMENT OVER THE FAILURE OF THE GOI TO EFFECT REIMBURSEMENTS OF OUTSTANDING CONTRACTOR CLAIMS UNDER THE DUNN-VANONI AGREEMENT. THE LETTER WOULD INFORM HIM OF OUR REQUIREMENTS TO PAY CESICA AND EMPHASIZE THAT THIS PAYMENT IN NO WAY ALTERS THE OBLIGATIONS OF THE GOI UNDER THE DUNN-VANONI LIMITED OFFICIAL USE

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AGREEMENT. AND FINALLY, IT WOULD URGE MORO TO TAKE STEPS TO ASSURE THAT THE NECESSARY ACTION IS TAKEN TO ENSURE REIMBURSEMENTS IN SUBSEQUENT CASES. (OVERRULING THE COURT HAS BEEN DONE ONCE BEFORE AND THE POLITICAL REACTION IN PARLIAMENT WAS SEVERE. HENCE, THE DECISION WILL NOT BE TAKEN LIGHTLY.) THE PRIME MINISTER'S DIPLOMATIC ADVISOR (PETRIGIANI) CONCURS IN THE DESIRABILITY OF SUCH A LETTER, STATING THAT IT WOULD BE

HELPFUL TO BOTH MORO AND ANDREOTTI IN THEIR EFFORTS TO SECURE
GOVERNMENTAL APPROVAL OF DUNN-VANONI REIMBURSEMENTS.

5. CONCURRENCE IN THE ABOVE COURSE OF ACTION IS REQUESTED. VOLPE

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